

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.2608 of 2022

Partha Sarathi Routra

....

Petitioner

Mr.Debidata Mohapatra, Advocate

Versus

State of Odisha

....

Opposite Party

Mr.D.Nayak, AGA

CORAM:

JUSTICE SAVITRI RATHO

ORDER

10.11.2022

(Through hybrid mode)

Order No.

01.

1. This application under Section 482 of Cr.P.C. has been filed by the petitioner challenging the impugned order dated 08.12.2021 passed by the learned J.M.F.C. (R), Cuttack in G.R. Case No.2065 of 2019 issuing N.B.W. of arrest against him as he was absent on that date and no step had been taken on his behalf and this was in violation of the terms and conditions imposed while releasing him on bail.

2. Mr. Mohapatra, learned counsel for the petitioner submits that the petitioner has been implicated in this case under Section 376 (2) (n)/342/312 of IPC alongwith Section 67 of the Information and Technology Act. It has been averred in the petition that the petitioner had been arrested on 22.10.2019 and released on the same day which appears to be incorrect as in the order dated 31.07.2022 passed in BLAPL No.10215 of 2019 by this Court, while directing for release of the petitioner on bail, it has been mentioned that the petitioner was in custody since 22.10.2019.

3. Learned counsel for the petitioner submits that the learned counsel appearing in the Court below has left his practice but failed to intimate this development and the next date on which the case was posted in the Court of the learned JMFC (R) Cuttack, for which the petitioner could not appear in the case or engage another counsel to take steps on his behalf. He further submits that this is the first default of the petitioner and the petitioner is ready to surrender before the Court below and comply with the conditions imposed for releasing him on bail.

4. Although there is no illegality in the impugned order, but accepting the submissions of the learned counsel and in order to secure the presence of the petitioner in the trial and keeping in mind the fact that there has been some disruption in normal life as well as Court proceedings due to the COVID-19 pandemic, it is directed that if the petitioner surrenders in the Court of learned J.M.F.C. (R), Cuttack in connection with the aforesaid case on or before 01.12.2022 and files an application for bail, the learned Magistrate shall release the petitioner on bail on such terms and conditions as he/she may deem fit and proper.

5. With the aforesaid observations and direction, the CRLMC is disposed of.

6. Urgent certified copy of this order be granted as per rules.

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(Savitri Ratho)
Judge